IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 29 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAGAJI MOTIJI KOLI

Versus

BALWANT RAGHU @ RAGHUNATH

Appearance:

1. Civil Revision Application No. 29 of 2002

MR EE SAIYED for Petitioner No. 1

MR KALPESH N SHASTRI for Respondent No. 1

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 21/03/2002

ORAL JUDGEMENT

Heard Mr.E.E. Saiyed, learned advocate appearing for the applicant and Mr.Kalpesh N. Shastri, learned advocate for the respondent.

The matter is argued for quite some time and thereafter Mr.Saiyed seeks permission of this Court to withdraw the present Civil Revision Application, so as to enable him to prefer the review application before the Civil Judge (Junior Division), Diyodar. Mr.Saiyed has further submitted that the affidavits attached along with the Revision Application at pages No.17 to 28 were not available when the learned Civil Judge passed the order on 2nd January, 2002. Having regard to the facts and circumstances of the case, the permission is granted to the learned advocate, Mr.Saiyed for withdrawal of this Civil Revision Application, so as to enable him to prefer review application before the Civil Judge (Junior Division), Diyodar. Mr.Shastri, learned advocate appearing for the respondent has objected to the extension of the interim relief as the affidavits on which the reliance was placed by the learned advocate, Mr.Saiyed were in substance considered by the trial Court and stay was refused by the trial Court. However, the interim relief granted by this Court earlier on 4-2-2002 and which is in operation till today, is extended for a further period of one week i.e. till 28-3-2002. The Civil Revision Application is disposed of as withdrawn. No order as to costs. Rule is discharged. Direct service is permitted.

21-3-2002 (K.A.Puj, J.)

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